

The Honorable Richard A. Jones  
The Honorable John C. Coughenour  
The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

<p>UNITED STATES OF AMERICA,  Plaintiff,  v.  CHARLES CHEATHAM, et al.,  Defendants.</p>	<p>NO. CR18-131 RAJ   NOTICE OF RELATED CASE</p>
<p>UNITED STATES OF AMERICA,  Plaintiff,  v.  MICHAEL MORGAN, et al.,  Defendants.</p>	<p>RELATED TO  NO. CR18-132 RAJ</p>
<p>UNITED STATES OF AMERICA,  Plaintiff,  v.  JIHAD ZEIGLER,  Defendants.</p>	<p>RELATED TO  NO. CR18-161JCC CR10-5046BHS</p>

The United States of America submits this notice to advise the Court that the following cases are related: *United States v. Charles Cheatham et al.*, CR18-131 RAJ; *United States v. Michael Morgan et al.* CR18-132 RAJ; *United States v. Jihad Zeigler*, CR18-161JCC. All of these cases arise from the same wiretap investigation into a drug trafficking conspiracy led by Michael Morgan and Charles Cheatham. The Grand Jury returned Indictments in the first two cases on May 30, 2018. Law enforcement then arrested many of the defendants named in those two Indictments on June 6, 2018. During the operation to arrest those defendants, investigators also arrested Mr. Zeigler, named in the other case listed above, based in part on evidence collected during the search of his residence on June 6.<sup>1</sup> Additionally, Mr. Zeigler was on Federal supervision in Case No. CR10-5046 BHS at the time of his arrest, and is now facing supervised release violations arising from the criminal conduct for which he was arrested. All of the above cases result from the same series of wiretap orders, and they will likely involve many of the same litigation issues. The government contends that all of these cases should be adjudicated by the same judge and considered together to ensure consistent rulings and a just result.

## I. BACKGROUND

### A. Investigation

As mentioned in previous pleadings, the cases named above arise from a nearly four-year investigation by the DEA, FBI, and Seattle Police Department. These federal and local agencies conducted hundreds of hours of surveillance and intercepted 13 cell phones while investigating a large conspiracy to distribute controlled substances, including heroin, cocaine, marijuana, and other controlled substances.

Early in the investigation, a confidential source identified Michael Morgan as a drug dealer who could supply multiple kilograms of cocaine. Investigators then bought cocaine from Morgan on two separate occasions and used traditional investigative techniques to find

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<sup>1</sup> Three other defendants were arrested and charged separately by complaint on June 6, 2018. Those defendants have since been indicted, and all of their cases have been transferred to Judge Jones. They are: *U.S. v. Armstrong*, CR18-144 RAJ; *U.S. v. Beasley*, CR18-145 RAJ; and *U.S. v. Shepard*, CR18-147 RAJ.

1 additional evidence about Morgan's and his associates' drug trafficking. Ultimately,  
2 investigators received authorization to intercept telephones used by Morgan and his associates.  
3 Investigators intercepted communications between defendants named in all of the cases listed  
4 above. The intercepted calls included exchanges between Morgan and Cheatham and between  
5 defendants named in the different matters. Over the course of the investigation, law  
6 enforcement learned that Michael Morgan, Charles Cheatham, Michael Davis, Railen  
7 Wheeler, Jihad Zeigler, and others are significant drug traffickers who work together to  
8 distribute drugs in the Seattle area.

9 **B. Procedural History**

10 On May 30, 2018, the Grand Jury returned two indictments charging a total of 40  
11 defendants with 60 counts, including Conspiracy to Distribute Controlled Substances in  
12 violation of 21 U.S.C. §§ 841(a)(1) and 846, Possession of Controlled Substances with Intent  
13 to Distribute in violation of 21 U.S.C. § 841(a)(1), and Carrying a Firearm During and in  
14 Relation to a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c). The evidence showed  
15 that all of the defendants in both indictments were part of the same conspiracy, but for  
16 administrative reasons, the government presented two separate indictments.

17 On June 1, 2018, Magistrate Judge Brian Tsuchida authorized search warrants—based  
18 on a single application—for 46 locations and 65 vehicles associated with the drug trafficking  
19 conspiracy. The warrant also authorized law enforcement to search places associated with Mr.  
20 Zeigler, even though he was not named as a co-defendant in the first two Indictments.  
21 Though Mr. Zeigler was not originally charged as a co-conspirator with the other defendants,  
22 there was probable cause to believe he was involved in criminal activity.

23 On June 6, 2018, law enforcement executed the warrants and found multiple kilograms  
24 of controlled substances, numerous firearms, and large amounts of cash. That same day,  
25 investigators arrested 33 of the defendants indicted in the *Morgan* and *Cheatham* cases, along  
26 with Mr. Zeigler and three other defendants. Agents initially charged Mr. Zeigler by complaint,  
27 and on June 27, 2018, the Grand Jury returned an Indictment against him.

1 As mentioned above, in addition to the new charges, Mr. Zeigler was on Federal  
2 supervision at the time he committed the new offenses. In 2011, Mr. Zeigler was sentenced to  
3 84 months of imprisonment for the crime of Distribution of Cocaine Base in *United States v.*  
4 *Zeigler*, CR10-5046 BHS. On February 1, 2018, USPO filed a petition for warrant alleging  
5 violations stemming from a DUI arrest Mr. Zeigler incurred in January 2018. Mr. Zeigler was  
6 ultimately arrested on this warrant and on the complaint related to the new charges discussed  
7 above. On June 6, 2018, USPO filed a supplemental petition alleging two more violations that  
8 stem from the wiretap investigation described above.

9 An evidentiary hearing on revocation of supervised release is currently scheduled for  
10 July 16, 2018; however, the disposition of the supervised release violations depends on the  
11 resolution of the new charges in related case CR18-161.

## 12 II. DISCUSSION

13 Local Criminal Rule 13(b) encourages counsel “to file a notice of related case in order  
14 to bring such cases to the Court’s attention.” Accordingly, the United States submits this notice  
15 to inform the Court that *United States v. Charles Cheatham et al.*, CR18-131 RAJ; *United*  
16 *States v. Michael Morgan et al.* CR18-132 RAJ; and *United States v. Zeigler*, CR18-161JCC  
17 are related in at least two important respects.

18 First, all of these cases arise from the same investigation and rely on the same series of  
19 wiretap orders, as well as the same search warrant affidavit. The defendants in all of these  
20 cases will receive largely the same discovery materials and rely on largely the same evidence.  
21 As a result, the Court might be faced with the same litigation issues in all of the cases.

22 Second, it will be important for the Court and the parties to be familiar with the evidence  
23 and defendants in all of the cases because each defendant’s conduct and culpability will be  
24 best understood in the context of his or her interactions with other defendants and in the context  
25 of the other defendants’ comparable or distinct conduct.

26 Thus, the cases are closely related and should be considered together. If the cases  
27 proceed independently, there is a substantial risk that the parties will litigate the same issues  
28 in multiple proceedings and that those issues will be resolved in different and conflicting ways.

1 To ensure consistent outcomes in light of all the relevant information, the government  
2 respectfully requests that the same judge adjudicate all of the cases listed above, including Mr.  
3 Zeigler's supervised release matter in Case No. CR10-5046BHS.

4 **III. CONCLUSION**

5 For the reasons mentioned above, the Government believes reassignment of both of Mr.  
6 Zeigler's matters to the Honorable Richard A. Jones would serve the interests of judicial  
7 economy and ensure consistent rulings and just results.

8 DATED this 9th day of July, 2018.

9 Respectfully submitted,

10 ANNETTE L. HAYES  
11 United States Attorney

12 /s/ Nicholas Manheim  
13 VINCENT T. LOMBARDI  
14 ERIN BECKER  
15 NICHOLAS MANHEIM  
16 Assistant United States Attorney  
17 700 Stewart Street, Suite 5220  
18 Seattle, Washington 98101  
19 Phone: 206-553-5178  
20 E-mail: vince.lombardi@usdoj.gov  
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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/John M. Price  
JOHN M. PRICE  
Legal Assistant  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Phone: (206) 553-4228  
FAX: (206) 553-4440  
E-mail: john.price2@usdoj.gov